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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/050,135

01/18/2002

Yoshiki Nakamatsu

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07/06/2006

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EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,135

Applicant(s)

NAKAMATSU ET AL

Examiner

Debra F. Charles

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/2006 has been entered.

Response to Amendment

1. Claims 1,2, 3, 4, 5,6,7, 8, and 13 have been amended. Claims 11-12 and 16 have been cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al.(6272332B1), Keeler et al.(6502130B1) and Bowman-Amuah(US 6542593B1).

Re claim 1: Matusmoto et al. disclose a charging system (col. 10, lines 40-55) comprising:

A first client apparatus(Figs. 1-16);

a server apparatus(Abstract) which provides at least one service to said plurality of client apparatuses via a network(Abstract, i.e. portable communication terminal is a client apparatus);

a charging apparatus connected to said network in order to charge said first client apparatus and said second client apparatus with respect to the provision of said at least one service(col. 10, lines 40-55);

a first processing apparatus which is connected to said network in order to control the provision of said at least one service from said server apparatus to said first client apparatus and accumulate information for charging by said charging apparatus with respect to said at least one service when said at least one service is provided to said first client apparatus via said first

processing apparatuses(col. 10, lines 15-45); and a second processing apparatus(col. 11, lines 10-40)

Matsumoto et al. does not explicitly disclose which has a cyclic unit which includes a circulation list specifying a circulation order and which circulates among said plurality of first processing apparatuses via said network in accordance with said circulation order in order to collect the information for charging accumulated in each of said first processing apparatuses. However, in figs. 2A,2B, 3, Abstract, col. 1, line 50-col. 2, line 5, col. 8, lines 35-45, Keeler et al. disclose collecting data from various devices on a network in a specific order defined by a list, and using that data to create billing data. Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Matsumoto et al. to include the step of collecting data in a cyclic fashion. The motivation to combine these references is to define the order in which the data collection apparatus is to perform its data extraction activity.

Matsumoto et al. and Keeler et al. do not explicitly disclose A second client apparatus; a second processing apparatus which is connected to said network in order to control the provision of said at least one service from said server apparatus to said second client apparatus and accumulate information for charging by said charging apparatus with respect to said at least one service when said at least one service is provided to said second client apparatus via said second processing apparatuses:

and a third processing apparatus which comprises a cyclic unit which includes a circulation list specifying a circulation order and which circulates from said third processing apparatus to said first processing apparatus, from said first processing apparatus to said second processing apparatus, and from said second processing apparatus to said third processing apparatus via said network in accordance with said circulation order in order to collect the information for charging accumulated in said first processing apparatus and said second processing apparatus. Bowman-Amuah disclose a hybrid network that includes rules databases that determines the subscriber profile

information. The information includes routing references based on priority, cost and termination location; and content separation provided to separate the audio stream from the data and video stream(Abstract, col. 3, line 40-col. 8, line 60, Figs. 1A-20). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Matsumoto et al. and Keeler et al. to include the steps of Bowman-Amuah. The motivation to combine these references is to define the order in which the data collection apparatus is to perform its data extraction activity.

Allowable Subject Matter

2. Claims 2-10 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles
Examiner
Art Unit 3624

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

